

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROYAL INSURANCE COMPANY OF	)	Civil Action No. 00-2128
AMERICA, an Illinois Corporation,	)	
ROYAL INDEMNITY COMPANY, a	)	The Hon. Francis X. Caiazza
Delaware Corporation, and AMERICAN	)	
AND FOREIGN INSURANCE COMPANY,	)	
a Delaware Corporation,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
LATROBE CONSTRUCTION COMPANY,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION FOR EXTENSION OF TIME**

AND NOW, comes the Defendant, Latrobe Construction Company ("Latrobe"), by and through its counsel, Mark Gordon, Esquire, Timothy R. Smith, Esquire and Pietragallo, Bosick & Gordon LLP, and files this Motion for Extension of Time and hereafter states as follows:

1. Phase II of this trial was completed on May 3, 2006.
2. At the conclusion of the Plaintiffs' case, Defendant made an oral Motion to strike the testimony of the Plaintiffs' expert, Gerald Chimenti.
3. By an Order dated May 3, 2006, the Court set a timeframe for the filing of Defendant's Motion, Plaintiffs' opposition, Proposed Findings and Conclusions and Defendant's response to the Plaintiffs' Trial Brief regarding pre-judgment interest.
4. The triggering event for the briefing period was the receipt of the trial transcript for Phase II.
5. On the afternoon of Friday, May 12, 2006, the transcript for Phase II was provided to the parties.

6. Based upon the Court's Order of May 3, 2006, Defendant's Motion to strike the testimony of Mr. Chimenti pursuant to Federal Rule of Evidence 702 is due on Tuesday, May 23, 2006.

7. Due to out-of-town commitments of Defendant's counsel, Defendant requires an additional three (3) days, until May 26, 2006, to file its Motion and supporting Memorandum.

8. The Plaintiffs will not be prejudiced by the requested extension.

9. In fairness to Plaintiffs and, if the Court deems it appropriate, Defendant has no objection to extending the other dates set by the Court's Order of May 3, 2006 by an additional three (3) days. Such would close the briefing period on June 5, 2006.

WHEREFORE, for the reasons stated herein, Defendant requests that all deadlines set forth in the Court's Order of May 3, 2006 shall be extended by an additional three (3) days as set forth in the attached proposed Order.

Respectfully submitted,

PIETRAGALLO, BOSICK & GORDON LLP

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Counsel for Defendant/Counterclaim Plaintiff,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2006, I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Bruce C. Fox, Esq.  
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